

IN THE UNITED STATES DESIGNATED/ELECTED OFFICE

International Application No. : PCT/EP2004/006057
 International Filing Date : June 5, 2004
 Priority Date(s) Claimed : June 7, 2003
 Applicant(s) (DO/EO/US) : Juergen WESTERMANN et al.

Title: PROTECTED 5,7-DIHYDROXY-4,4-DIMETHYL-3-OXOHEPTANOIC ACID
 ESTERS AND 5,7-DIHYDROXY-2-ALKYL-4,4-DIMETHYL-3-OXOHEPTANOIC ACID
 ESTERS FOR SYNTHESIZING EPOTHILONES AND DERIVATIVES DERIVATIVES
 AND METHODS FOR PRODUCING THESE ESTERS

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §§ 1.56, 1.97 and 1.98

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

This information disclosure statement is made in accordance with 37 C.F.R. §§ 1.56, 1.97 and 1.98 as follows:

Timing and Fees

- ☒ Under 37 C.F.R. § 1.97(b), no fee or statement is required for filing this information disclosure statement is filed:
- ☐ within three months of the filing date of a national application other than a CPA under § 1.53(d);
 - ☒ within three months of the actual filing date of the national phase of a PCT application; OR
 - ☐ before the mailing of a first substantive office action (including after filing of an RCE).
- ☐ Under 37 C.F.R. § 1.97(c), this information disclosure statement is filed after the periods specified in 37 C.F.R. § 1.97(b), but before the mailing date of:

a final rejection under 37 C.F.R. 1.113;
 termination of prosecution, e.g. Ex Parte Quayle, M.P.E.P § 609(B)(2); OR
 a notice of allowance under 37 C.F.R. § 1.311; and

is accompanied by:

- ☐ the statement as specified in 37 C.F.R. § 1.97(e) set out below; OR
 - ☐ a check covering the fee of \$180.00 under 37 C.F.R. § 1.17(p).
- ☐ Under 37 C.F.R. § 1.97(d), this information disclosure statement is filed after the mailing date of the following actions which have not been withdrawn:
- ☐ a final action under 37 C.F.R. § 1.113;
 - ☐ termination of prosecution, e.g. Ex Parte Quayle, M.P.E.P. § 609(B)(2);
 - ☐ OR a notice of allowance under 37 C.F.R. § 1.311;

AND is filed on or before payment of the issue fee; AND is accompanied by:

the statement as specified in 37 C.F.R. § 1.97(e) as set forth below, and the fee of \$180.00 under 37 C.F.R. § 1.17(p).

Statements Under 37 C.F.R. 1.97(e)

- ☐ Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application having a mailing date not more than three months prior to the filing date of this information disclosure statement; or
- ☐ No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the undersigned attorney after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing date of the information disclosure statement.

Cited Materials

- ☐ Copies of materials listed but not attached were cited in benefit (35 U.S.C. § 120) ancestor application Serial No. _____, on Form 892 by the Examiner and/or Form 1449 by the applicant; see 37 C.F.R. § 1.98(d).
- ☒ Copies of materials listed but not attached were cited in an international search report dated November 2, 2004.
- ☐ Not required by 37 CFR § 1.98.
- ☐ Copies of the materials listed are attached (except for the foregoing).

Non-English Language References

- ☒ An English-language search report or equivalent paper from a foreign patent office is provided indicating the relevance of the cited reference(s).
- ☐ A foreign-language search report from a foreign patent office is provided, and pertinent parts are translated substantively below:
- X = document of particular relevance when it is taken alone
Y = document of particular relevance when it is combined with another such document
A = document defining the general state of the art
O = non-written disclosure
P = intercalated document
T = document cited to understand the theory or principle underlying the invention
E = patent document which has the benefit of a date earlier than the filing date and which was published only on or after this filing date
D = cited in the application
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& = publication of member of same patent family
- ☐ Translation of other relevant information on foreign search report
- [insert necessary translation here]

Other Information

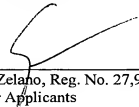
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- ☐ A check for \$_____ covering the fee identified above is attached.
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MP16 Rec'd 06 DEC 2005

☒ The Commissioner is hereby authorized to charge or credit any overpayment to Deposit Account #13-3402, two copies of this paper are attached for this purpose.

Respectfully submitted,



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Attorney Docket No.: SCH-2113

Date: December 6, 2005

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(use as many sheets as necessary)

Sheet 1 of 2

Complete if Known

Application Number PCT/E22004/006057
Filing Date December 6, 2005
First Named Inventor Juergen WESTERMANN et al.
Group Art Unit Unassigned
Examiner Name Unassigned
Attorney Docket Number SCH-2113

U.S. PATENT DOCUMENTS

Examiner Initials *	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Number	Kind Code ² (if known)		
N.C./	1	2003176710			September 18, 2003
N.C./	2	2003158412			August 21, 2003
N.C./	3	5211412			April 3, 2001

FOREIGN PATENT DOCUMENTS

Examiner Initials *	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁴
		Office ³	Number ⁴	Kind Code ⁵ (if known)				
N.C./	4	WO	03053949		Schering AG	July 3, 2003		Eqv to cite 1
N.C./	5	WO	030014063		Schering AG	February 20, 2003		Eqv to cite 2
N.C./	6	DE	10041470		Schering AG	February 28, 2002		
N.C./	7	WO	0058254		Univ Kansas	October 5, 2000		Eqv to cite 3

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